

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1225 - SB 1279

March 21, 2011

SUMMARY OF BILL: Prohibits State reimbursement of fees or expenses for any private attorney, or payment of salary or reimbursement of expenses for any post-conviction defender or public defender, who has claimed under oath or has been found by a court to have provided ineffective assistance of counsel until the attorney has provided the Administrative Office of the Courts (AOC) with evidence that the attorney has successfully completed continuing legal education or other training or counseling to correct the issues that caused the attorney to be ineffective.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Net Impact – Exceeds \$10,000

Assumptions:

- Attorneys will obtain continuing legal education rather than forgo fee reimbursement or salaries. The state will pay the cost of additional continuing legal education for any attorneys who are employed by the Post-Conviction Defender or District Public Defenders Conference. In the absence of information from these offices concerning the number of attorneys who may be affected, it is assumed that at least 20 publicly-employed attorneys state-wide will be required to obtain additional continuing legal education at a cost of \$500 per attorney (20 x \$500 = \$10,000).
- Private practice attorneys who are reimbursed through the Indigent Defense Fund will pay their own cost of additional continuing legal education without state reimbursement.
- AOC will perform its administrative duties within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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